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Attorneys for Defendant, TARGET STORES, a Division of TARGET CORPORATION, erroneously served and sued herein as TARGET CORPORATION

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

EDGAR AQUINO, Plaintiff, v. TARGET CORPORATION, DOE DEFENDANT, and DOES 1 to 20, Inclusive, Defendants.	CASE NO. CV07-07467 FMC (JTLx) **JOINT MOTION ON STIPULATION FOR ORDER TO CONTINUE RULE 26 COMPLIANCE AND CASE MANAGEMENT CONFERENCE**

This matter arises out of an accident in which Plaintiff suffered a crush injury in relation to a forklift arising out of the delivery of pumpkins to the Balboa Target Store located at 5454 Balboa Avenue, San Diego, California 92111, on October 6, 2005 at approximately 12:00 p.m. This is a joint motion on a stipulated request, with a concurrently submitted proposed order, for new dates and a continuance of prior dates for Rule 26(a) Disclosure, the date by which a discovery plan must be lodged and a continuance of the Case Management Conference currently set for May 5, 2008 at 1:30 p.m.

1. Plaintiff, Edgar Aquino, filed his complaint for general negligence and premises liability on or about October 5, 2007 in Southeast District (Norwalk) of the Los

Angeles Superior Court. Following service of the complaint on Target, on or November 15, 2007, Target removed the matter to Federal Court based upon diversity of citizenship. Based upon the Plaintiff's filing of the case in the Norwalk Court, the matter removed to the United States District to the Central District of California. On or about January 14, 2008, the court granted Defendant's motion to transfer venue to the Southern District.

2. A Mandatory Settlement Conference was held on March 19, 2008. Following the Mandatory Settlement Conference, the court ordered the Rule 26 Conference to be completed on or before April 14, 2008, the initial disclosure pursuant to Rule 26(a) occur before April 28, 2008, a discovery plan to be lodged with Magistrate Judge Bencivengo on or before April 28, 2008 and a Case Management Conference pursuant to Federal Rule 16(b) shall be held on May 5, 2008 at 1:30 p.m. by telephone conference.

3. The court signed the order setting Rule 26 Compliance and Notice of Case Management Conference on March 19, 2008.

4. Subsequent to that date, attorney Edward C. Meara of Brownwood & Cannon, 525 "B" Street, Suite 1300, San Diego, California 92101, has been selected as new counsel of record for Defendant, Target Stores, a Division of Target Corporation. Target is in the process of executing the Substitution of Attorney. Because new counsel for Target is not in possession of the complete file and would like to prepare its own discovery plan and coordinate the scheduling based upon new counsel's calendar as well as the fact that Plaintiff is on vacation from April 24, 2008 through May 4, 2008, all counsel stipulated and request that the court approve a continuance of the Case Management Conference from May 5, 2008 to May 22, 2008 at 1:30 p.m. Accordingly, counsel also stipulated and agree that the corresponding date for initial disclosures will be May 15, 2008 and the joint discovery plan will be filed on or before May 15, 2008.

5. Counsel stipulate to the dates set forth above with the understanding that each of the dates are subject to modification necessary for the court's convenience.

6. Counsel for Defendant and counsel for Plaintiff certify by their signature below that upon filing this document it has been deemed acceptable to all persons required to sign, who have authorized the use of their electronic signatures.

IT IS SO STIPULATED.

DATED: April 23, 2008

PRINDLE, DECKER & AMARO LLP

BY: R. Derek Classen
R. DEREK CLASSEN,
Attorneys for Defendant, TARGET STORES, A Division of TARGET CORPORATION

DATED: April 23, 2008

PRUSSAK, WELCH & AVILA

BY: Rance D. Welch
RANCE D. WELCH,
Attorneys for Plaintiff, EDGAR AQUINO

LAW OFFICES OF PRINDLE, DECKER & AMARO LLP

PROOF OF SERVICE

Edgar Aquino vs. Target Stores
Case No. 08 CV 00073-L-CAB(mg)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) and am not a party to the within action; my business address is 310 Golden Shore, 4th Floor, Long Beach, California 90802.

On April 23, 2008, I served the following document(s) described as **JOINT MOTION ON STIPULATION FOR ORDER TO CONTINUE RULE 26 COMPLIANCE AND CASE MANAGEMENT CONFERENCE** on all interested parties to this action, as follows:

☒ by placing ☐ the original ☒ a true copy thereof enclosed in sealed envelopes addressed as follows:

SEE ATTACHED SERVICE LIST

☒ **BY MAIL:** By placing a true copy thereof in a sealed envelope addressed as above, and placing it for collection and mailing following ordinary business practices. I am readily familiar with Prindle, Decker & Amaro's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Long Beach, California, in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **BY OVERNIGHT COURIER:** I caused the above-referenced document(s) to be delivered to ______________________ for delivery to the above address(es).

☐ **BY FAX:** I caused the above-referenced document to be transmitted via facsimile from Fax No. (562) 495-0564 to Fax No. __________ directed to __________. The facsimile machine I used complies with Rule 2003(3) and no error was reported by the machine. Pursuant to Rule 2005(1), I caused the machine to print a record of the transmission, a copy of which is attached to this declaration.

☐ **BY PERSONAL SERVICE:** I caused such envelope to be delivered by hand to the addressee(s).

☒ [State] I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☐ [Federal] I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on April 23, 2008, at Long Beach, California.

Leti Gutierrez

Edgar Aquino vs. Target Stores
Case No. 08 CV 00073-L-CAB(mg)

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